

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see attached talking points.

Examiner reviewed Vernet after interview, and has determined that Vernet does not teach away from using the pin in softer materials, including drywall. Specifically, examiner notes col 2, lines 28-35, and also notes that Vernet col 1 lines 62 (Under SUMMARY OF THE INVENTION) 3 refers to US 4617692 as a similar pin. and that pin is expressly used in wallboard. :

Docket No.: 713-1121

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Federico CABRELE

U.S. Patent Application No. 10/821,860

Filed: April 12, 2004

For: SCREW ANCHOR

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Confirmation No. 1818

Group Art Unit: 3677

Examiner: Katherine W Mitchell

Points for Discussion - interview scheduled for 1.30 pm Friday 02/23/2007

1. The final office action asserts (under §103) that Vernet contains disclosure that teaches the hypothetical person of ordinary skill that some of the slots 13 would be understood to be "main longitudinal slots" (MLS) while the remainder would be understood as being "secondary longitudinal slots" (SLS).

How does the hypothetical person of ordinary skill know which are which and why would any differentiation be made between what must be taken to be essentially identical slots? Under § 103 there must be a reason. §103 is different from §102 in that a purely arbitrary selection based on nothing more than a working knowledge of the claims (dubious even under §102), is definitely not permitted under §103. Teachings which would actually lead to this conclusion must be presented/identified.

2. Fischer discloses the use of teeth 5. The rejection purports that it would be obvious to add these to the Vernet arrangement because they would dig into the face of the rear wall once the Vernet arrangement was deformed to the condition shown in Fig. 4.

However, the deformed portion of Vernet is not within a bore as per Fischer and the more surface area of the deformed portion of Vernet which engages the rear wall of the "hollow brick 1" of Vernet, the more friction will be generated and the more resistance to rotation will be produced. The provision of teeth such as found in Fischer would very likely reduce the surface area even if plastically distorted and, because they would have to be made of the same pliable material as the remainder of the fastener, be totally incapable of digging into the brick. All that would probably result would be the reduction in the amount of surface area in engagement with the rear face of the brick 1 and a loss of frictional engagement.

Further, once distorted to the configuration shown in Fig. 4, the Vernet arrangement is not going to be pulled back out through the bore and any additional bits and pieces would be totally unnecessary. The addition of teeth to improve this would be pointless overkill.